

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of

David J. Ross *et al.*

Serial No. UNASSIGNED

Filed: November 16, 2001

)
)
)
)
)
)
)

**For: WIRELESS PUSH-TO-TALK
INTERNET BROADCAST**

Group No. 2682

PRELIMINARY AMENDMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Prior to examination of the above-identified application, Applicants request entry of the following amendments:

EXPRESS MAIL LABEL NO. EL790588737US

**IN THE SPECIFICATION
CROSS-REFERENCE TO PROVISIONAL APPLICATIONS**

Please replace the above subtitle found on the top of page 1 of the specification with the following subtitle:

CROSS-REFERENCE TO RELATED APPLICATIONS

Please replace the first paragraph on page 1 of the specification with the following paragraph:

This application is a continuation of U.S. Patent Application Serial No. 09/365,964, filed August 2, 1999, which claims the benefit of Provisional Application No. 60/119,195, filed February 5, 1999 and Provisional Application No. 60/122,629, filed March 3, 1999. These patent applications are incorporated herein by reference in their entirety.

IN THE CLAIMS

Please cancel claims 2-10 and 12-20 without prejudice.

Please add new claims 21-23, as follows:

21. (New) A method for providing group communication, comprising:
receiving an indication that a push-to-talk (PTT) button has been depressed at a wireless telephone;
determining whether more than one wireless has a depressed PTT button indication; and
arbitrating which wireless telephone is allowed to place a call.
22. (New) An apparatus for providing group communication, comprising:
a memory unit;
a receiver;
a transmitter; and
a processor communicatively coupled to the memory unit, the receiver, and the transmitter, the processor being capable of:
receiving an indication that a push-to-talk (PTT) button has been depressed at a wireless telephone;
determining whether more than one wireless has a depressed PTT button indication; and
arbitrating which wireless telephone is allowed to place a call.

23. (New) A computer-readable medium embodying a method for providing group communication, the method comprising:

receiving an indication that a push-to-talk (PTT) button has been depressed at a wireless telephone;

determining whether more than one wireless has a depressed PTT button indication; and
arbitrating which wireless telephone is allowed to place a call.

REMARKS

After entry of the present amendment, claims 1 and 11 are pending and new claims 21-23 have been added. In the Office Action of the parent application dated May 31, 2001, the Examiner allowed original claims 2-10 and 12-20, and rejected original claims 1 and 11 under 35 U.S.C. §102(e). Applicant respectfully traverses this rejection as follows:

1. Rejection of Claims 1 and 11 under 35 U.S.C. § 102(e)

The Examiner rejected claims 1 and 11 under 35 U.S.C. §102(e) as being anticipated by U.S. patent No. 5,987,102 issued to Elliott et al. (Elliott, hereinafter). Applicant respectfully traverses this rejection, because Elliot does not disclose all limitations of these claims, as discussed below:

Regarding claim1, Applicant respectfully submits that Elliott does not disclose “determining whether more than one wireless has a depressed PTT button indication” and “arbitrating which wireless telephone is allowed to place a streaming voice data message on the server,” as claimed in Claim 1.

Regarding claim 11, Applicant respectfully submits that Elliott does not disclose “arbitrating, if more than one wireless has a depressed PTT button indication, which wireless telephone is allowed to place a streaming voice data message on the server,” as claimed in Claim 11.

Therefore, since Elliott does not disclose at least the above-discussed limitations, Applicant respectfully requests the Examiner to withdraw this rejection.

2. New Claims

Applicant has added new claims 21-23. No new matter is added. Claims 21-23 include subject matter originally claimed by the Applicant in the parent application.

CONCLUSION

In light of the preliminary amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Applicants do not believe that any fees are due with this response. If, however, it is determined that fees are owed, please charge any such fees or overpayments to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: November 16, 2001

By: Abdollah Katbab
Abdollah Katbab
Attorney for Applicant
Registration No. 45,325

QUALCOMM Incorporated
5775 Morehouse Drive
San Diego, California 92121
Telephone: (858) 651-4132
Facsimile: (858) 658-2502